

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FIREMAN'S FUND INSURANCE COMPANY, ONE  
BEACON INSURANCE COMPANY, NATIONAL  
LIABILITY AND FIRE INSURANCE COMPANY and  
QBE MARINE & ENERGY SYNDICATE 1036,

Plaintiffs,

– against –

GREAT AMERICAN INSURANCE COMPANY OF  
NEW YORK, MAX SPECIALTY INSURANCE  
COMPANY and SIGNAL INTERNATIONAL, LLC,

Defendants.  
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10-cv-1653 (JPO) (JLC)

**NOTICE OF CROSS-  
MOTION**

**PLEASE TAKE NOTICE** that upon the Declaration of Stephen D. Straus, dated April 17, 2013, the exhibits annexed thereto, the Statement of Uncontested Facts and memorandum of law filed herewith and the prior pleadings and proceedings herein, defendant MAX SPECIALTY INSURANCE COMPANY (“Max Specialty”) will move this Court, on a date and time as the Court may choose, before the Honorable J. Paul Oetken at the United States District Court, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 706, New York, New York 10007 for an Order: (1) granting partial summary judgment in favor of Max Specialty (i) declaring Max Specialty insurance policy no. MAX2XP0004029, issued to defendant Signal International, LLC (“Signal”), void *ab initio*, (ii) ordering Signal to return the \$2,920,000 paid by Max Specialty to Signal for loss under the policy, and (iii) awarding Max Specialty the fees and costs, including attorney’s fees, it has incurred in litigating this action, together with such other relief as this Court deems appropriate.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Court Order, any opposition to the instant motion must be served by May 7, 2013.

Dated: April 17, 2013  
Hawthorne, New York

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP

By: /s/ Stephen D. Straus  
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